

*Status: Point in time view as at 01/02/2008.*

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## SCHEDULES

### SCHEDULE 1

Section 9.

#### TYPES OF LICENCE

##### *Public house licence*

A public house licence is a licence granted in respect of a public house specified therein which authorises the holder thereof to sell by retail alcoholic liquor for consumption on or off the premises.

##### *Off-sale licence*

An off-sale licence is a licence granted in respect of premises specified therein which authorises the holder thereof to sell by retail alcoholic liquor for consumption off the premises only.

##### *Hotel licence*

A hotel licence is a licence granted in respect of a hotel specified therein which authorises the holder thereof to sell by retail alcoholic liquor for consumption on or off the premises.

##### *Restricted hotel licence*

A restricted hotel licence is a licence which—

- (a) is granted in respect of a hotel specified therein which—
  - (i) is structurally adapted and bona fide used, or intended to be used, for the purpose of habitually providing the customary main meal at midday or in the evening or both for the accommodation of persons frequenting the premises of such hotel;
  - (ii) so far as it is used or intended to be used for the purpose of providing meals to persons who are not residing there, is principally used, or intended to be used, for providing the customary main meal at midday or in the evening or both; and
  - (iii) does not contain a bar counter; and
- (b) authorises the holder thereof—
  - (i) to sell by retail or supply alcoholic liquor in the said premises to persons taking table meals there, for consumption by such a person as an ancillary to his meal;
  - (ii) to sell by retail or supply alcoholic liquor in those premises to persons residing there, for consumption on the premises by such a person or by a private friend of such a person who is bona fide entertained by and at the expense of that person;
  - (iii) to supply alcoholic liquor in those premises to any private friends of a person residing there who are bona fide entertained by and at the expense of that person for consumption on the premises by such a friend entertained as aforesaid; and
  - (iv) to sell or supply alcoholic liquor in those premises to persons residing there, for consumption by such a person or by a private friend of such a person who is bona fide entertained by, and at the expense of, that person as an ancillary to a meal supplied at, but to be consumed off, the premises; or

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- (v) if the application is made in that behalf, to sell or supply alcoholic liquor only as described in sub-paragraphs (ii) to (iv) above.

#### *Restaurant licence*

A restaurant licence is a licence granted in respect of premises specified therein which—

- (a) is granted in respect of premises which—
- (i) are structurally adapted and bona fide used, or intended to be used, for the purpose of habitually providing meals for the accommodation of persons frequenting the premises;
  - (ii) so far as they are used, or intended to be used, for the said purpose, are principally to be used, or intended to be used, for providing the customary main meal at midday or in the evening, or both; and
  - (iii) do not contain a bar counter; and
- (b) authorises the holder thereof to sell by retail or supply alcoholic liquor in the said premises to persons taking table meals there, for consumption by such a person as an ancillary to his meal.

#### *Refreshment Licence*

A refreshment licence is a licence granted in respect of premises specified therein which—

- (a) is granted in respect of premises which—
- (i) are structurally adapted and bona fide used or intended to be used for the provision of refreshments, including food and non-alcoholic beverages for consumption on the premises; and
  - (ii) do not contain a bar counter; and
- (b) authorises the holder thereof to sell by retail or supply alcoholic liquor for consumption on the premises when food and non-alcoholic beverages are also on sale, provided that no alcoholic liquor is sold or supplied for consumption off the premises.

#### *Entertainment Licence*

An entertainment licence is a licence granted in respect of premises specified therein, being places of public entertainment such as cinemas, theatres, dance halls and proprietary clubs, which authorises the holder thereof to sell by retail or supply alcoholic liquor to persons frequenting the premises for consumption on the premises as an ancillary to the entertainment provided, subject to such conditions as the licensing board may determine to ensure that such sale or supply is ancillary to the entertainment provided.

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## SCHEDULE 2

Sections 41 and 43.

### SEAMEN’S CANTEENS GRANT AND TRANSFER OF LICENCES UNDER PART III OF THIS ACT

#### PART I

##### APPLICATIONS FOR GRANT OF LICENCES

- 1 (1) The applicant for the grant of a licence under Part III of this Act shall, not less than five weeks before the hearing of the application, give notice in writing of the application to the chief constable and the clerk of the licensing board and serve both of them with a copy of—
- (i) the certificate of the Secretary of State,
  - (ii) the draft rules which it is proposed to make as respects the persons entitled to use the canteen,
  - (iii) a plan of the canteen and particulars of the access to the canteen and of the sanitary accommodation for persons using the canteen.
- (2) The clerk of the licensing board shall, not later than three weeks before the hearing of the application, cause to be published notice of the application in one or more newspapers circulating in the licensing area.
- (3) A notice under this paragraph shall state the name and address of the person who is to be the holder of the licence, the types of alcoholic liquor it is desired to sell under the licence, and the situation of the canteen.
- 2 Where an applicant has, through inadvertence or misadventure, failed to comply with the foregoing paragraph, the licensing board may, upon such terms as it thinks fit, postpone consideration of the application and, if upon any such postponed consideration it is satisfied that any terms so imposed have been complied with, may deal with the application as if that paragraph had been complied with.

#### PART II

##### APPLICATION FOR AND GRANT OF PROVISIONAL LICENCES

- 3 The provisions of Part III of this Act relating to the grant of a licence, and the foregoing provisions of this Schedule, shall apply in relation to the grant of a provisional licence subject to the modifications specified in this Part of this Schedule.
- 4 (1) A notice under paragraph 1 above need not state the name and address of the person who is to be the holder of the licence, and references in that paragraph to the canteen shall be taken as references to the proposed canteen after the construction or conversion has been carried out.
- (2) Paragraph (a) of section 41(1) of this Act shall be omitted, and the reference in paragraph (b) of that subsection to the premises shall be taken as a reference to those premises when the construction or conversion has been carried out.
- 5 (1) A provisional licence shall not come into force until the licensing board has made it final.

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- (2) The licensing board shall not refuse an application to declare a provisional licence final, except, subject to sub-paragraph (3) below, on either or both of the following grounds—
- (a) that the canteen has not been constructed or converted in accordance with the plan lodged with the licensing board;
  - (b) that the person to whom the licence is to be granted is disqualified by or under this or any other enactment from holding a licence or is in other respects not a fit and proper person to hold a licence under Part III of this Act.
- (3) A licensing board shall declare final a provisional licence notwithstanding that it is not satisfied that the premises have been completed in accordance with the plan thereof lodged with the board, if it is satisfied that the premises have been completed and that the deviations from the said plan are of minor importance and have not materially altered the character of the premises or the facilities for the supply of alcoholic liquor thereat.
- (4) An applicant under this paragraph shall give such notices as the licensing board may require.

### PART III

#### APPLICATION FOR TRANSFER

- 6 (1) A person applying to the licensing board for the transfer of a licence under Part III of this Act shall, not less than two weeks before the meeting of the board, give notice in writing to the chief constable.
- (2) A notice under this paragraph shall state the name and address of the person to whom the licence is proposed to be transferred and his occupation during the six months preceding the giving of the notice.
- 7 Paragraph 2 above shall apply in relation to paragraph 6 above as it applies in relation to paragraph 1 above.

### <sup>F1</sup>SCHEDULE 3

#### Textual Amendments

**F1** Sch. 3 repealed by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\)](#)

F1

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## SCHEDULE 4

Section 53.

### SUNDAY OPENING OF PREMISES IN RESPECT OF WHICH A PUBLIC HOUSE LICENCE OR REFRESHMENT LICENCE IS OR WILL BE IN FORCE AND SUNDAY RESTRICTION ORDERS RELATING TO LICENSED PREMISES

#### PART I

##### APPLICATIONS FOR SUNDAY OPENING

- 1 Applications may be made to a licensing board in accordance with the provisions of this Schedule for permission to open premises on Sundays . . . <sup>F2</sup>, and any such application is referred to in this Schedule as “an application for Sunday opening”.

#### Textual Amendments

- F2** Words repealed by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 68A:2\), s. 46\(8\)\(a\), Sch. 9](#) (s. 46 of that Act, by virtue of which the specified words ceased to have effect, was brought into force on 1.1.1991 by s. 75(3)(a) of that same 1990 Act; the repeal of the specified words by Sch. 9 of that Act was expressed to be brought into force so far as not already in force on 17.3.1993 by [S.I. 1993/641, art. 3, Sch.](#))

- 2 The holder of a public house licence or a refreshment licence in respect of any premises may make an application for Sunday opening of the premises, and any such application shall be in such form as may be prescribed, shall be completed and signed by the applicant or his agent and shall be lodged with the clerk of the licensing board within whose area the premises are situated not later than five weeks before the first day of the meeting of the board at which the application is to be considered.
- 3 The clerk of a licensing board shall, not later than three weeks before the first day of the meeting of the board at which the applications are to be considered, cause to be published in one or more newspapers circulating in the area of the board a list of all competent applications for Sunday opening made to the board under paragraph 2 above.
- 4 The list mentioned in paragraph 3 above shall specify—  
(a) the name, designation and address of the applicant;  
(b) the address of the premises in respect of which the application is made;  
(c) the first day of the meeting of the licensing board at which the application is to be considered.
- 5 Section 10(2)(b) and section 10(5) of this Act shall, with any necessary modifications, apply in relation to an application for Sunday opening as they apply in relation to an application for the grant of a new licence.
- 6 It shall be competent for any person mentioned in section 16(1) of this Act to object in relation to any application made under paragraph 2 above, and the provisions of subsections (2) to (4) of that section shall apply in relation to such objections.
- 7 A licensing board shall refuse an application made under paragraph 2 above if it is satisfied that the opening and use on a Sunday of the premises to which the application relates would cause undue disturbance or public nuisance in the locality, but otherwise shall grant the application.

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- 8 The consequence of the refusal of an application under paragraph 7 above in respect of any premises is that, except as otherwise provided by this Act there shall be no permitted hours in those premises on a Sunday.
- 9 An applicant may appeal to the sheriff against a decision of a licensing board to refuse an application under paragraph 7 above.
- 10 Any competent objector who appeared at the hearing of any application made under paragraph 2 above may appeal to the sheriff against a decision of the licensing board to grant the application.
- 11 A licensing board shall not within two years of its refusal of an application made under paragraph 2 above in respect of any premises entertain another such application in respect of those premises.
- 12—14. . . . . <sup>F3</sup>

#### Textual Amendments

**F3** Sch. 4 paras. 12–14 repealed by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 68A:2), ss. 46(8)(d), 74, Sch.9 (s. 46 of that Act, by virtue of which the specified paragraphs ceased to have effect, was brought into force on 1.1.1991 by s. 75(3)(a) of that same 1990 Act; the repeal of the specified paragraphs by Sch. 9 of that Act was expressed to be brought into force so far as not already in force on 17.3.1993 by S.I. 1993/641, art. 3,Sch.)

- 15 The grant of an application for Sunday opening under paragraph 2 . . . <sup>F4</sup> shall come into effect on the making of the grant except that where there were objections at the hearing the grant shall not come into effect until—
- (a) the time within which an appeal may be made has elapsed, or
  - (b) where an appeal has been lodged, the appeal has been abandoned or determined in favour of the applicant for the grant.

#### Textual Amendments

**F4** Words in Sch. 4 para. 15 repealed by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 68A:2), ss. 46(8)(b), 74(2), Sch.9 (s. 46 of that Act, by virtue of which the specified words ceased to have effect, was brought into force on 1.1.1991 by s. 75(3)(a) of that same 1990 Act; the repeal of the specified words by Sch. 9 of that Act was expressed to be brought into force so far as not already in force on 17.3.1993 by S.I. 1993/641, art. 3,Sch.)

- [<sup>F5</sup>15A If an application for renewal of a public house licence or a refreshment licence includes a statement that the applicant intends that the premises should be open for the sale or supply of alcoholic liquor during the permitted hours on a Sunday and if there is currently in force the grant of an application for Sunday opening, that grant shall continue to have effect—
- (a) until the renewal application is granted by the board;
  - (b) if the renewal application is refused by the board, or refused in respect of Sunday opening, until the time within which an appeal may be made has elapsed, or if an appeal has been lodged, until the appeal has been abandoned or determined.]

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**Textual Amendments**

**F5** Sch. 4 para. 15A inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 68A:2\)](#), [s. 46\(8\)\(c\)](#)

16, 17. . . . . **F6**

**Textual Amendments**

**F6** Sch. 4 paras. 16, 17 repealed by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 68A:2\)](#), [ss. 46\(8\)\(d\), 74, Sch.9](#) (s. 46 of that Act, by virtue of which the specified paragraphs ceased to have effect, was brought into force on 1.1.1991 by s. 75(3)(a) of that same 1990 Act; the repeal of the specified paragraphs by Sch. 9 of that Act was expressed to be brought into force so far as not already in force on 17.3.1993 by [S.I. 1993/641, art. 3](#),Sch.)

18 The grant of an application for Sunday opening shall cease to have effect when the licence to which it relates ceases to have effect.

**PART II**

*SUNDAY RESTRICTION ORDERS*

**F7**19 . . . . .

**Textual Amendments**

**F7** Sch. 4 paras. 19-22 repealed (17.3.1993) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 68A:2\)](#), [s. 74, Sch. 9](#); [S.I. 1993/641, art. 3](#),Sch.

**F8**20 . . . . .

**Textual Amendments**

**F8** Sch. 4 paras. 19-22 repealed (17.3.1993) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 68A:2\)](#), [s. 74, Sch. 9](#); [S.I. 1993/641, art. 3](#),Sch.

**F9**21 . . . . .

**Textual Amendments**

**F9** Sch. 4 paras. 19-22 repealed (17.3.1993) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 68A:2\)](#), [s. 74, Sch. 9](#); [S.I. 1993/641, art. 3](#),Sch.

**F10**22 . . . . .

**Textual Amendments**

**F10** Sch. 4 paras. 19-22 repealed (17.3.1993) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 68A:2\)](#), [s. 74, Sch. 9](#); [S.I. 1993/641, art. 3](#),Sch.

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SCHEDULE 5

Section 67.

PENALTIES FOR OFFENCES AGAINST PROVISIONS OF THIS ACT

1 Provision of this Act creating the offence	2 Rough description of offence	3 Whether licence-holder vicariously responsible	4 Whether licence-holder and premises liable to disqualification	5 Penalty
Section 2	Interested person acting as member of licensing board.			[ <sup>F11</sup> level 5 on the standard scale]
Section 7(3)	Clerk of licensing board acting for person in proceedings before board.			[ <sup>F11</sup> level 5 on the standard scale]

**Textual Amendments**

**F11** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G** (as inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 54**)

[ <sup>F12</sup> Section 18A(7)]	Breach of conditions relating to certain events.	Yes	Yes	Level 5]
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**Textual Amendments**

**F12** [Sch. 5](#) table: entry inserted (21.10.1996) by [1996 c. 36, s. 1\(3\)](#); [S.I. 1996/2670, art. 2](#)

1 Provision of this Act creating the offence	2 Rough description of offence	3 Whether licence-holder vicariously responsible	4 Whether licence-holder and premises liable to disqualification	5 Penalty
Section 19(1)	Canvassing member of licensing board.			[ <sup>F11</sup> level 3 on the standard scale]
Section 29(2)	Unlawful sale of spirits.	Yes	Yes	[ <sup>F11</sup> level 5 on the standard scale]
Section 33(4) and (5)	Contravention of condition	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]



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	of occasional licence.			
Section 34(3)	Contravention of condition of occasional permission.			[ <sup>F11</sup> level 3 on the standard scale]
Section 34(6)	Failure to ensure observance of provisions relating to conduct of licensed premises.			[ <sup>F11</sup> level 3 on the standard scale]
Section 36(3)	Failing to comply with order to carry out structural alterations.		Yes	[ <sup>F11</sup> level 3 on the standard scale] and £5 for every day of default.
Section 38(4)	Contravention of any byelaw or condition attached to licence.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 41(1)	Selling unauthorised liquor in canteen.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 41(3)	Failure to provide food etc. in canteen.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
...	...	...	...	...
F13	F13	F13	F13	F13
Section 54(1)(a)	Sale or supply of liquor in licensed premises or canteen or club outwith permitted hours.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 54(1)(b)	Consuming liquor in licensed premises or canteen or club outwith permitted hours.			[ <sup>F11</sup> level 3 on the standard scale]
Section 57(7)	Failure of club secretary to notify licensing board of alterations			[ <sup>F11</sup> level 3 on the standard scale]

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	to premises with extended afternoon hours.			
Section 57(8)	Failure to display notice of extended afternoon hours.			[ <sup>F11</sup> level 1 on the standard scale]
Section 58(7)	Failure of club secretary to notify licensing board of alterations to premises with extended evening hours.			[ <sup>F11</sup> level 3 on the standard scale]
Section 58(8)	Failure to display notice of extended evening hours.			[ <sup>F11</sup> level 1 on the standard scale]
Section 59(7)	Failure to display notice in public house of permitted hours on Sunday.			[ <sup>F11</sup> level 1 on the standard scale]
Section 64(6)	Contravention of condition of grant of an extension of permitted hours.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 68(1)	Selling liquor to, or allowing consumption by persons under 18 in a bar.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 68(2)	Purchase of liquor in licensed premises, or consumption of liquor in a bar, by person under 18.			[ <sup>F11</sup> level 3 on the standard scale]
Section 68(3)	Acting as agent for person under 18 in purchase of liquor or purchasing liquor for person under 18 or purchasing			[ <sup>F11</sup> level 3 on the standard scale]

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	liquor for person under 18 to consume in a bar.			
Section 68(5)	Delivering liquor to a person under 18.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 69(1)	Permitting person under 14 in a bar or canteen during permitted hours.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 69(2)	Bringing person under 14 into a bar during permitted hours.			[ <sup>F11</sup> level 3 on the standard scale]
Section 70(1)	Permitted unaccompanied person under 14 in premises with refreshment licence during permitted hours	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 70(1)	Permitting person under 14 to remain in premises with refreshment licence after 8 p.m.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 72(2)	Employing person under 18 in bar or canteen during permitted hours.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 73(1)	Employing person under 18 to serve liquor in premises with refreshment licence.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 74(1)	Entering licensed premises while drunk.			[ <sup>F11</sup> level 1 on the standard scale]
Section 74(2)	Being in licensed premises while drunk.			[ <sup>F11</sup> level 1 on the standard scale]
Section 75(1)	Procuring liquor in licensed			[ <sup>F11</sup> level 3 on the standard scale]

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	premises for drunken person.			
Section 75(2)	Aiding a drunken person to obtain liquor.			[ <sup>F11</sup> level 3 on the standard scale]
Section 76	Sale or supply of liquor to drunken person.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 77	Licence holder or employee or agent drunk in licensed premises or canteen.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale] and/or imprisonment for 60 days.
Section 78(1)(a)	Behaving in disorderly manner in licensed premises or canteen.			[ <sup>F11</sup> level 3 on the standard scale]
Section 78(1)(b)	Using obscene language in licensed premises or canteen.			[ <sup>F11</sup> level 3 on the standard scale]
Section 78(2)	Permitting breach of the peace, drunkenness, or riotous or disorderly conduct in licensed premises or canteen.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 79(1)(a) or (b)	Refusing to leave licensed premises or canteen.			[ <sup>F11</sup> level 1 on the standard scale]
Section 80	Permitting thieves, prostitutes, etc., or stolen goods in licensed premises.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 81	Permitting unlawful games	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]

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	in licensed premises.			
Section 82	Drinking in premises where liquor sold without a licence.			[ <sup>F11</sup> level 1 on the standard scale]
Section 83(1)	Consuming liquor in unlicensed places of public refreshment when public house closed.			[ <sup>F11</sup> level 3 on the standard scale]
Section 83(2)	Permitting consumption of liquor outwith permitted hours in unlicensed places of public refreshment.			[ <sup>F11</sup> level 3 on the standard scale]
Section 84	Permitting a constable on duty to remain on the premises or supplying him with liquor.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 85	Refusing to admit a constable to licensed premises or canteen for the execution of his duty.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 86	Refusing to admit a constable or obstructing his entry to unlicensed premises.			[ <sup>F11</sup> level 3 on the standard scale]
Section 87(1)(a)	Selling or supplying liquor on credit in licensed premises other than hotel or restaurant licensed	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale].

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	premises or in club or canteen.				
Section 87(1)(b)	Consuming liquor on credit in licensed premises other than hotel or restaurant licensed premises or in club or canteen.				[ <sup>F11</sup> level 3 on the standard scale]
Section 88	Selling fraudulently adulterated food or drink.	Yes	Yes		[ <sup>F11</sup> level 3 on the standard scale]
Section 89	Failing to close on order of sheriff or licensing board.	Yes	Yes		[ <sup>F11</sup> level 3 on the standard scale]
Section 90(a)	Trafficking in liquor without a licence.				[ <sup>F11</sup> level 5 on the standard scale]
Section 90(b)	Bartering or selling spirits without a licence.				[ <sup>F11</sup> level 5 on the standard scale]
Section 90(c)	Hawking alcoholic liquor.	Yes	Yes		[ <sup>F11</sup> level 3 on the standard scale]
[ <sup>F14</sup> Section 90A(1)]	[ <sup>F14</sup> Dealing wholesale other than from permitted premises]	[ <sup>F14</sup> Yes]			[ <sup>F14</sup> <sup>F14</sup> level 5 on the standard scale.]
[ <sup>F14</sup> Section 90A(2)]	[ <sup>F14</sup> Wholesaler selling liquor to person under 18]	[ <sup>F14</sup> Yes]			[ <sup>F14</sup> <sup>F14</sup> level 3 on the standard scale.]
[ <sup>F14</sup> Section 90A(3)]	[ <sup>F14</sup> Wholesaler permitting person under 18 to sell alcohol without approval]	[ <sup>F14</sup> Yes]			[ <sup>F14</sup> <sup>F14</sup> level 1 on the standard scale.]
Section 91(1)(a) or (b)	Delivery of liquor from vehicles without proper entries	Yes	Yes		[ <sup>F11</sup> level 3 on the standard scale]

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	in day book and invoice.			
Section 91(2)	Carrying or delivering liquor in vehicles without entries in day book and invoice.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 91(3)	Refusing to allow a constable to examine the vehicle delivering liquor, or to examine day book and/or invoice.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 92(1)	Permitting liquor in crates on public service vehicle.			[ <sup>F11</sup> level 3 on the standard scale] for public service vehicle licence-holder. [ <sup>F11</sup> level 1 on the standard scale] for any other person.
Section 92(2)	Procuring or attempting to procure contravention of subsection (1).			[ <sup>F11</sup> level 1 on the standard scale]
Section 93	Sale of liquor on passenger vessels outwith Sunday permitted hours.			[ <sup>F11</sup> level 3 on the standard scale]
Section 94(1)	Wholesaler permitting breach of the peace on the premises.			[ <sup>F11</sup> level 3 on the standard scale]
Section 94(1)	Wholesaler selling liquor to drunk persons, or selling liquor on Sundays.			[ <sup>F11</sup> level 3 on the standard scale]
Section 95	Sale or supply for consumption outside			[ <sup>F11</sup> level 3 on the standard scale]

*Status: Point in time view as at 01/02/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed). (See end of Document for details)*

	registered club by non-members.			
Section 96(a)	Sale or supply of liquor in licensed canteen for consumption off the premises.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 96(b)	Taking liquor from licensed canteen for consumption off the premises.			[ <sup>F11</sup> level 3 on the standard scale]
Section 97(1)	Permitting consumption of liquor on off-sale licensed premises.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 97(2)	Consuming liquor on off-sale licensed premises.			[ <sup>F11</sup> level 3 on the standard scale]
Section 97(3)	Taking liquor from off-sale premises for sale.	Yes	Yes	[ <sup>F11</sup> level 1 on the standard scale]
Section 97(4)	Selling liquor in open vessels on off-sale licensed premises.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
[ <sup>F15</sup> Section 97A]	[ <sup>F15</sup> Permitting person under 18 to sell alcohol without approval]	[ <sup>F15</sup> Yes]	[ <sup>F15</sup> Yes]	[ <sup>F15</sup> level 3 on the standard scale.]
Section 98(1)	Selling or supplying liquor other than to residents and/or with table meal in premises with restricted hotel licence.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 98(2)	Trafficking in or supplying liquor, except to residents, for consumption off premises subject	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]



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*Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed). (See end of Document for details)*

	to restricted hotel licence.			
Section 99(a)	Selling or supplying liquor in premises subject to restaurant licence except with meals.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 99(b)	Trafficking in or supplying liquor for consumption off premises subject to restaurant licence.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 100(a)	Trafficking in or selling liquor for consumption off premises subject to refreshment licence.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 100(b)	Selling liquor in premises subject to refreshment licence when other refreshments are not for sale.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 101(1)	Trafficking in or supplying liquor for consumption off premises subject to entertainment licence.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 101(2)	Contravention of conditions attached to entertainment licence.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 103	Making false statement in application for certificate of registration of club.			[ <sup>F11</sup> level 5 on the standard scale]
Section 111	Conducting club in manner giving			[ <sup>F11</sup> level 3 on the standard scale]

*Status: Point in time view as at 01/02/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed). (See end of Document for details)*

	rise to objections mentioned in paragraph (f), (i), (j) or (l) of section 108 of this Act.			
Section 112(1)	Permitting person under 14 in bar of registered club during permitted hours.			[ <sup>F11</sup> level 3 on the standard scale]
Section 112(3)	Causing person under 14 to be in bar of registered club during permitted hours.			[ <sup>F11</sup> level 3 on the standard scale]
Section 113	Employing person under 18 in bar of club to serve liquor.			[ <sup>F11</sup> level 3 on the standard scale]
Section 114(2)	Refusing to give name and address or giving false name or address to constable in a registered club.			[ <sup>F11</sup> level 3 on the standard scale]
Section 119	Selling liquor on off-sale premises outwith permitted hours or contravening condition of an off-sale licence.	Yes	Yes	[ <sup>F11</sup> level 3 on the standard scale]
Section 120(1)	Selling or supplying liquor in unregistered club.			[ <sup>F11</sup> level 3 on the standard scale]
Section 120(1)	Paying for liquor supplied in unregistered club.			[ <sup>F11</sup> level 3 on the standard scale]
Section 120(2)	Keeping liquor for sale or supply in unregistered club.			[ <sup>F11</sup> level 3 on the standard scale]

*Status: Point in time view as at 01/02/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed). (See end of Document for details)*

Section 120(7)	Refusing to give name and address to constable in unregistered club.	[ <sup>F11</sup> level 1 on the standard scale]
Section 123(2)	Selling confectionery containing alcoholic liquor to person under 16.	[ <sup>F11</sup> level 3 on the standard scale]

#### Textual Amendments

- F13** Entry repealed by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81\), Sch. 4](#)
- F14** Entry inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 68A:2\), s. 52\(2\)](#)
- F15** Entry inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 68A:2\), s. 54\(3\)](#)

## SCHEDULE 6

Sections 103 and 105.

### FORMS RELATING TO REGISTRATION OF CLUBS

#### 1

##### *FORM OF STATEMENT TO ACCOMPANY APPLICATION BY CLUB FOR GRANT OR RENEWAL OF CERTIFICATE OF REGISTRATION*

We, [*here state names and qualifications for making statement*] [*where necessary add and I, owner of the premises to be occupied [or occupied] by the club hereinafter mentioned*] hereby certify that to the best of our knowledge and belief the club designated in the accompanying application is to be [*or, in the case of an application by an existing club, has been and is to be*] continued as *abona fide* club, and not mainly for the supply of alcoholic liquor.

[*Signature, date and address of each person certifying, to be here inserted.*]

#### 2

##### *FORM OF CERTIFICATE OF REGISTRATION OF CLUBS TO BE GRANTED UNDER THIS ACT*

##### *Certificate of Registration*

I, , sheriff clerk of, registrar of clubs, hereby certify that club of [*here insert registered postal address of all premises used by the club*] is registered under the Licensing (Scotland) Act 1976.

*Status: Point in time view as at 01/02/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed). (See end of Document for details)*

This certificate shall remain in force until the day of 19 ; application for its renewal must be made not later than the day of, 19 .

Given under my hand this day of, 19 .Registrar of Clubs.

SCHEDULE 7

Section 136.

MINOR AND CONSEQUENTIAL AMENDMENT OF ENACTMENTS

**Modifications etc. (not altering text)**

**C1** The text of Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

*The <sup>M1</sup>Burgh Police (Scotland) Act 1892*

**Marginal Citations**

**M1** 1892 c. 55.

F16<sub>1</sub> .....

**Textual Amendments**

**F16** Sch. 7 para. 1 repealed (5.11.1993) by 1993 c. 50, Sch. 1 Pt.X Group 2

F17<sub>2</sub> .....

**Textual Amendments**

**F17** Sch. 7 para. 2 repealed (5.11.1993) by 1993 c. 50, Sch. 1 Pt.X Group 2

3, 4. .... **F18**

**Textual Amendments**

**F18** Sch. 7 paras. 3, 4 repealed by Alcoholic Liquor Duties Act 1979 (c. 4, SIF 40:1), Sch. 4 Pt. I

*The <sup>M2</sup>Finance Act 1967*

**Marginal Citations**

**M2** 1967 c. 54.

*Status: Point in time view as at 01/02/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed). (See end of Document for details)*

- 5 In section 5(3) (abolition of club licences, etc.), for the word “1959” there shall be substituted the word “1976”.

*M<sup>3</sup>Countryside (Scotland) Act 1967*

**Marginal Citations**

**M3** 1967 c. 86.

- 6 In section 78(1) (interpretation), for the definition of “refreshments” there shall be substituted the following definition—  
“refreshments” includes alcoholic liquor within the meaning of the Licensing (Scotland) Act 1976;”.

*The M<sup>4</sup>New Towns (Scotland) Act 1968*

**Marginal Citations**

**M4** 1968 c. 16.

- 7 In section 18(2) (disposal of land by development corporation), for the words “exciseable liquor” there shall be substituted the words “alcoholic liquor”.
- 8 In section 47(1) (interpretation), after the definition of “the Act of 1845” there shall be inserted the following definition—  
“alcoholic liquor” has the meaning assigned by section 139(1) of the Licensing (Scotland) Act 1976;”.

*The M<sup>5</sup>Gaming Act 1968*

**Marginal Citations**

**M5** 1968 c. 65.

- 9 In section 6 (general provisions as to gaming in licensed premises), the following amendments shall be made—
- F<sup>19</sup>(a) .....
  - F<sup>19</sup>(b) .....
  - (c) in subsection (4), for the word “court”, in both places where it occurs, there shall be substituted the word “board”;
  - F<sup>20</sup>(d) .....
  - (e) in subsection (6), for the word “court” there shall be substituted the word “board”, and the words “or certificate”, in both places where they occur, shall be omitted;
  - F<sup>21</sup>(f) .....

*Status: Point in time view as at 01/02/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed). (See end of Document for details)*

#### Textual Amendments

- F19** Sch. 7 para. 9(a)(b) repealed (24.11.2005) by Licensing Act 2003 (c. 17), s. 201(2), **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 4)
- F20** Sch. 7 para. 9(d) repealed (24.11.2005) by Licensing Act 2003 (c. 17), s. 201(2), **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 4)
- F21** Sch. 7 para. 9(f) repealed (24.11.2005) by Licensing Act 2003 (c. 17), s. 201(2), **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 4)

**F22**<sub>10</sub> .....

#### Textual Amendments

- F22** Sch. 7 para. 10 repealed (24.11.2005) by Licensing Act 2003 (c. 17), s. 201(2), **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 4)

**F23**<sub>11</sub> .....

#### Textual Amendments

- F23** Sch. 7 para. 11 repealed (24.11.2005) by Licensing Act 2003 (c. 17), s. 201(2), **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 4)

**F24**<sub>12</sub> .....

#### Textual Amendments

- F24** Sch. 7 para. 12 repealed (24.11.2005) by Licensing Act 2003 (c. 17), s. 201(2), **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 4)

## SCHEDULE 8

Section 136.

### REPEALS

#### Modifications etc. (not altering text)

- C2** The text of Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Chapter	Short Title	Extent of repeal
61 & 62 Vict. c. 60.	The Inebriates Act 1898.	In section 30, the words “the Licensing (Scotland) Act 1959, section 160”.
7 & 8 Eliz. 2. c. 51.	The Licensing (Scotland) Act 1959.	The whole Act.

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*Status: Point in time view as at 01/02/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed). (See end of Document for details)*

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10 & 11 Eliz. 2. c. 51.	The Licensing (Scotland) Act 1962.	The whole Act.
10 & 11 Eliz. 2. c. 52.	The Penalties for Drunkenness Act 1962.	In section 1(2), the words “section 152 of the Licensing (Scotland) Act 1959” and the words “sections 153 and 154 of the Licensing (Scotland) Act 1959”.
1963 c. 2.	The Betting, Gaming and Lotteries Act 1963.	In Schedule 1, paragraph 24(2).
1967 c. 14.	The Licensing (Certificates in Suspense) (Scotland) Act 1967.	The whole Act.
1967 c. 54.	The Finance Act 1967.	Section 5(1)(d). Schedule 8.
1968 c. 16.	The New Towns (Scotland) Act 1968.	In section 47(1), the definition of “exciseable liquor”.
1968 c. 65.	The Gaming Act 1968.	In section 6, in subsection (3), the words “or certificate”, and, in subsection (6), the words “or certificate”, where twice occurring. In section 7(2), the words “or certificate”. In Schedule 2, paragraph 33(2) and (3) and paragraph 34(2). In Schedule 9, paragraph 17.
1971 c. 65.	The Licensing (Abolition of State Management) Act 1971.	The whole Act.
1973 c. 65.	The Local Government (Scotland) Act 1973.	Section 91(6). Sections 185 and 186. Part I of Schedule 24.
1975 c. 20.	The District Courts (Scotland) Act 1975.	Section 10(5). Section 11(8). In section 13(1), the words “or (b) a licensing court or court of appeal for that area”. Section 13(3).

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*Status: Point in time view as at 01/02/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed). (See end of Document for details)*

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Section 17(2).

Section 22.

In section 26(1), the definitions of "licensing court" and "court of appeal".

In Schedule 1, paragraph 28.

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**Status:**

Point in time view as at 01/02/2008.

**Changes to legislation:**

There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed).